<center>**R e m a r k s**</center>

Claims 1-22 are pending in the application.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al. US 20040022237, hereinafter "Elliott" in view of H. Schulrinne et al. IETF RFC 3550 "RTP: A Transport Protocol for Real-Time Applications," July 2003, hereinafter "RFC 3550." Claims 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Entry of this Amendment is proper under 37 CFR 1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; or (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment is thus respectfully requested.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. 103(a)

Claims 1-13

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott in view of RFC 3550. The rejection is traversed.

Elliott and RFC 3550, alone or in combination, fail to teach or suggest all the claim elements, as claimed in Applicants' claim 1. Namely, Elliott and RFC 3550, alone or in combination, fail to teach or suggest at least the limitations of "calculating, based on said information, a parameter indicative of a congestion status of the network path from the first location to the second location" and "accepting the new call into the IP network at the first location in the case of said parameter not exceeding an upper threshold," as claimed in Applicants' claim 1.

Elliott discloses an architecture for communicating voice and data over a packet-switched network. Specifically, Elliott discloses that the architecture includes soft switch sites, a data network, a provisioning component, a network event component, and a network management component. (Elliott, Abstract).

Elliott, however, alone or in combination with RFC 3550, fails to disclose Applicants' claim 1, as a whole. Namely, Elliott fails to teach or suggest at least the limitations of "calculating, based on said information, a parameter indicative of a

congestion status of the network path from the first location to the second location" and "accepting the new call into the IP network at the first location in the case of said parameter not exceeding an upper threshold," as claimed in Applicants' claim 1.

Rather, although Elliott describes a system that permits packet switching of voice calls and data calls through a data network, Elliott is <u>devoid of any teaching or suggestion</u> of performing <u>call admission control</u> as claimed in Applicants' claim 1. Elliott fails to teach or suggest obtaining information relevant to the quality of service of voice calls being transmitted from a first location to a second location via an IP network and, thus, must also fail to teach or suggest calculating, based on such information, a parameter indicative of a congestion status of the network path from the first location to the second location. Furthermore, Elliott fails to teach or suggest accepting a new call into the IP network at the first location in the case of the parameter not exceeding an upper threshold, as claimed in Applicants' claim 1. Rather, Elliott is devoid of any teaching or suggestion of any call admission control functions.

First, Applicants note that Elliott fails to teach or suggest obtaining information relevant to the quality of service of voice calls being transmitted from the first location to the second location via the IP network, as claimed in Applicants' claim 1. In the Office Action, the Examiner cites a specific portion of Elliott (namely, Para. 1493), asserting that the cited portion of Elliott discloses this limitation. The cited portion of Elliott, however, states that "FIG. 21B illustrates an example outage recovery scenario 2116. Outage recovery scenario 2116 can be used in the event of, for example, a fiber cut, a period of unacceptable latency or a period of unacceptable packet loss failure in data network 112." Applicants respectfully request that the Examiner point out exactly where in this portion of Elliott there is any teaching or suggestion of <u>obtaining information relevant to the quality of service of voice calls</u>. The cited portion of Elliott merely states that an outage recovery scenario can be used in the case of an unacceptable packet loss failure. A <u>statement that an outage recovery scenario can be used in the case of an unacceptable packet loss failure</u>, as disclosed in Elliott, simply does not teach or suggest <u>obtaining information relevant to the quality of service of voice calls being transmitted from the first location to the second location via the IP network</u>, as claimed in Applicants' claim 1.

Second, Applicants further note that the Examiner has failed to cite any portion of Elliott in support of the assertion that Elliott discloses Applicants' limitation of accepting a new call into the IP network in the case of said parameter not exceeding an upper threshold.

In the Office Action, the Examiner asserts that "the limitation of (c) is simply accepting a new call under certain condition, there is no inventive concept in it at all." (Office Action, Pg. 3). Applicants note that the Examiner appears to ignore the details of the condition under which the new call is accepted, implying that any algorithm which determines whether or not a call should be accepted into an IP network is unpatentable, regardless of the complexity of the method by which the determination is made. Applicants respectfully disagree.

In the Office Action, with respect to step (c), the Examiner further asserts that "a call will always [be] accepted if an upper threshold is selected as 0." In other words, rather than citing Elliott or RFC 3550 as disclosing step (c) of Applicants' claim 1, the Examiner merely makes up an example believing that it fits the language of Applicants' limitation. Applicants note that the Examiner's example does not teach or suggest the limitations of Applicants' claim 1. Applicants further note that the Examiner's example is incorrect. Applicants' limitation states "accepting the new call into the IP network at the first location in the case of said parameter not exceeding an upper threshold." Based on the Examiner's example, the parameter would have to be a negative number in order for the call to be accepted (i.e., to not exceed 0) and, further, since the Examiner cites a packet loss ratio as the parameter, a negative packet loss ratio would be required in order for a call to be accepted. Thus, it appears that in the Examiner's example, calls would never be accepted into the IP network.

Furthermore, Applicants note that even assuming arguendo that the Examiner's example was correct, the Examiner's example would still be insufficient to establish a prima facie case of obvious in view of Elliott and RFC 3550 because the Examiner has failed to cite any portion of either reference which teaches or suggests the limitation, or to make any other argument or provide any other reasoning which could serve as the basis of a proper rejection. Thus, Applicants respectfully submit that, since the Examiner has failed to provide any indication of the basis for the assertion that Elliott discloses

Applicants' limitation of "(c) accepting the new call into the IP network at the first location in the case of said parameter not exceeding an upper threshold into the IP network in the case of said parameter not exceeding an upper threshold," the Examiner has failed to properly establish obviousness under 35 U.S.C. 103(a).

Thus, Elliott fails to teach or suggest Applicants' claim 1, as a whole.

Furthermore, RFC 3550 fails to bridge the substantial gap between Elliott and Applicants' claim 1.

RFC 3550 discloses the Real-Time Transport Protocol (RTP). Specifically, RFC 3550 discloses message formats, header fields, session multiplexing, and other specifics of the RTP. Additionally, RFC 3550 discloses details of the RTP Control Protocol (RTCP), such as packet formats, packet send and receive rules, and other specifics of the RTCP.

RFC 3550, however, alone or in combination with Elliott, fails to disclose Applicants' claim 1, as a whole. Namely, RFC 3550 fails to teach or suggest at least the limitation of "calculating, based on said information, a parameter indicative of a congestion status of the network path from the first location to the second location" and "accepting the new call into the IP network at the first location in the case of said parameter not exceeding an upper threshold," as claimed in Applicants' claim 1.

Rather, although RFC 3550 discloses RTCP sender and receiver reports, RFC 3550 is devoid of any teaching or suggestion of how a new call is accepted into an IP network, much less that a new call is accepted into the IP network where a parameter associated with quality of service of voice calls does not exceed an upper threshold, as claimed in Applicants' claim 1. RFC 3550 is devoid of any teaching or suggestion of calculating a parameter indicative of a congestion status of a network path between a first location and a second location based on information relevant to the quality of service of voice calls being transmitted from the first location to the second location. RFC 3550 is devoid of any teaching or suggestion of any threshold comparisons. As such, RFC 3550, alone or in combination with Elliot, fails to teach or suggest performing call admission control as claimed in Applicants' claim 1.

As such, Elliott and RFC 3550, alone or in combination, fail to teach or suggest Applicants' claim 1, as a whole. Thus, claim 1 is allowable over the combination of

Elliott and RFC 3550. Furthermore, since all of the dependent claims that depend from the independent claim include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over the combination of Elliott and RFC 3550.

Therefore, the rejection should be withdrawn.

Claims 14-22

Claims 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott. The rejection is traversed.

The Office Action failed to establish a *prima facie* case of obviousness, because Elliott fails to teach or suggest all the claim elements.

Elliott discloses an architecture for communicating voice and data over a packet-switched network. Specifically, Elliott discloses that the architecture includes soft switch sites, a data network, a provisioning component, a network event component, and a network management component. (Elliott, Abstract).

As described hereinabove with respect to claim 1, Elliott fails to teach or suggest at least the limitations of "calculating, based on said information, a parameter indicative of a congestion status of the network path from the first location to the second location" and "accepting the new call into the IP network at the first location in the case of said parameter not exceeding an upper threshold," as claimed in Applicants' claim 1.

Thus, Applicants submit that, at least for the reasons described hereinabove with respect to claim 1, Elliott also fails to teach or suggest at least the limitation of "a third circuit for: calculating, based on the received quality-of-service information, a parameter indicative of a congestion status of a network path associated with the first circuit; and determining, by comparing said parameter to at least one threshold, whether a new voice call is to be accepted into the internet protocol network via the first circuit," as claimed in Applicants' claim 14.

As such, Elliott fails to teach or suggest Applicants' claim 14, as a whole. Thus, claim 14 is allowable over Elliott. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective

independent claim from which they ultimately depend, each such dependent claim is also allowable over Elliott.

Therefore, the rejection should be withdrawn.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Michael Bentley or Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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